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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---|-------------|----------------------|---------------------|--------------------------|
| 09/441,729 | 11/16/1999 | ERIC DAVID BLOCH | SGI-15-4-934 | 4930 |
| 22801 | 7590 | 02/23/2007 | EXAMINER | |
| LEE & HAYES PLLC 421 W RIVERSIDE AVENUE SUITE 500 SPOKANE, WA 99201 | | | | LAMBRECHT, CHRISTOPHER M |
| ART UNIT | | PAPER NUMBER | | |
| | | 2623 | | |

| SHORTENED STATUTORY PERIOD OF RESPONSE | NOTIFICATION DATE | DELIVERY MODE |
|--|-------------------|---------------|
| 3 MONTHS | 02/23/2007 | ELECTRONIC |

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

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lhptoms@leehayes.com

| Office Action Summary | Application No. | Applicant(s) | |
|------------------------------|------------------------|---------------------|--|
| | 09/441,729 | BLOCH ET AL. | |
| Examiner | Art Unit | | |
| Christopher M. Lambrecht | 2623 | | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) Responsive to communication(s) filed on 14 September 2006.

2a) This action is **FINAL**. 2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) Claim(s) 1-19 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) Claim(s) _____ is/are allowed.

6) Claim(s) 1-19 is/are rejected.

7) Claim(s) _____ is/are objected to.

8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) All b) Some * c) None of:
1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. _____.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) Notice of References Cited (PTO-892)
2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____

4) Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ .

5) Notice of Informal Patent Application

6) Other: _____

DETAILED ACTION

Response to Arguments

1. Applicant's arguments with respect to claims 1-19 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claim 1 is rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent No. 5,659,539 (“Porter”).

Regarding claim 1, Porter discloses a method of pulling and playing digital media data stored over a digital data network, the method comprising the steps of:

accessing a playlist (reading command file 504, col. 25, ll. 9-11) wherein said playlist specifies a first digital media clip and a second digital media clip to be played (splices from pre-existing MPEG files, col. 25, ll. 11-20) and wherein said first clip is stored within a first digital data source and said second clip is stored within a second digital data source (various files stored on separate storage devices, col. 26, ll. 48-49);

translating said playlist into a first plurality of frame accurate requests that specify first respective frames of said first clip and a second plurality of frame accurate requests that specify second respective frames of said second clip (selecting frames from each of the specified MPEG files, col. 25, ll. 50-60, col. 16, l. 66 - col. 17, l. 4);

transmitting said first plurality of frame accurate requests over said digital data network to said first digital data source to pull digital data from said first digital data source; transmitting said second plurality of frame accurate requests over said digital data network to said second digital data source to pull digital data from said second digital data source (editor sends to storage devices requesting frames used to generate segments, col. 25, ll. 60-63, col. 18, ll. 56-61, col. 20, ll. 19-48);

receiving said first respective frames as digital data from said first source via said digital data network; before a last frame of said first respective frames is rendered from digital data, receiving a first frame of said second respective frames as digital data from said second source via said digital data network (as commands are processed, requested frame data are sequentially retrieved from appropriate storage locations, col. 6, l. 66 - col. 7, l. 18, and stored in sequence to create an edited MPEG compliant file, prior to a request to play the edited file);

rendering said first respective frames at a predetermined framerate (decoding/reproducing MPEG data stream, col. 7, ll. 19-22, upon subsequent request for the edited MPEG file);

rendering, from digital data, said first frame of said second respective frames after said last frame at said predetermined framerate such that playback of said first digital media clip and said second digital media clip appears seamless (col. 13, ll. 20-30).

Regarding claim 2, Porter discloses a method as recited in claim 1 wherein said first and second digital data sources comprise first and second servers coupled to said digital data network (separate storage devices, col. 26, ll. 48-49).

Regarding claim 3, Porter discloses a method as recited in claim 1 wherein said first plurality of frame accurate requests each specifies a respective one of said first respective frames (col. 19, ll. 4-14).

Regarding claim 4, Porter discloses a method as recited in claim 3 wherein said second plurality of frame accurate requests each specifies a respective one of said second respective frames (col. 19, ll. 4-14).

Regarding claim 5, Porter discloses a method as recited in claim 1 wherein said predetermined framerate is adjustable by a user (col. 25, ll. 26-29, col. 26, ll. 49-51).

Regarding claim 6, Porter discloses a method as recited in claim 1 wherein said digital media data comprises digital audio data and digital video data (MPEG movie, col. 25, ll. 33-36).

Regarding claim 7, Porter discloses a system for pulling and playing digital media data stored over a digital data network, the system comprising: a client computer (editor 502) coupled to said digital data network (coupling editor 502 to storage), wherein said client computer comprises: a user interface for receiving a playlist (command file 504)

from a user (col. 26, ll. 49-51) wherein said playlist specifies a first digital media clip and a second digital media clip to be played (col. 25, ll. 7-13), a playback engine (analogous to stream server 110) for translating said playlist into a first plurality of frame accurate requests corresponding to said first clip and a second plurality of frame accurate requests corresponding to said second clip (col. 25, ll. 53-60); a first server computer (first storage device, col. 26, ll. 48-49) coupled to receive said first plurality of frame accurate requests from said client computer via said digital data network to pull digital data from said first server computer, wherein said first server computer retrieves first respective frames of said first clip requested by said first plurality of frame accurate requests and transmits said first respective frames to said client computer as digital data via said digital data network (col. 6, l. 66 - col. 7, l. 7); a second server computer (second storage device, col. 26, ll. 48-49) coupled to receive said second plurality of frame accurate requests from said client computer via said digital data network to pull digital data from said second server computer, wherein second server computer retrieves second respective frames of said second clip requested by said second plurality of frame accurate requests, and transmits said second respective frames to said client computer as digital data via said digital data network (col. 6, l. 66 - col. 7, l. 7); wherein said client computer renders, from digital data, said first respective frames and said second respective frames at a predetermined framerate such that playback of said first clip and said second clip appears seamless (col. 7, ll. 19-22, col. 13, ll. 20-30).

Regarding claim 8, Porter discloses a system as recited in Claim 7 wherein said first server comprises a first digital data storage for storing said first digital media clip and wherein said second server comprises a second digital data storage for storing said second digital media clip (col. 7, ll. 3-7).

Regarding claim 9, Porter discloses a system as recited in claim 7 wherein said user interface allows a user to specify a beginning frame and an ending frame of a clip to be played (using time indices, col. 26, ll. 49-51, col. 25, ll. 16-42).

Regarding claims 10-13, see Porter as applied to claims 3-6, above.

Regarding claim 14, Porter discloses a computer readable medium containing therein computer readable codes for causing a computer system (col. 6, ll. 40-45, col.) to perform the claimed method, as applied to claim 1, above.

Regarding claims 15-19, see Porter as applied to claims 2-6, above.

Conclusion

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The following references describe methods and apparatus for retrieval and seamless play back digital media clips: U.S. Patent Nos. 5,933,603 (Vahalia et al.); 5,583,868 (Rashid et al.); 5,534,944 (Egawa et al.); 5,751,280 (Abbott et al.); 5,553,281 (Brown et al.); 6,137,834 (Wine et al.); and 6,016,380 (Norton).

5. The following are suggested formats for either a Certificate of Mailing or Certificate of Transmission under 37 CFR 1.8(a). The certification may be included with all correspondence concerning this application or proceeding to establish a date of mailing or transmission under 37 CFR 1.8(a). Proper use of this procedure will result in such communication being considered as timely if the established date is within the required period for reply. The Certificate should be signed by the individual actually depositing or transmitting the correspondence or by an individual who, upon information and belief, expects the correspondence to be mailed or transmitted in the normal course of business by another no later than the date indicated.

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Please refer to 37 CFR 1.6(d) and 1.8(a)(2) for filing limitations concerning facsimile transmissions and mailing, respectively.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christopher M. Lambrecht whose telephone number is (571) 272-7297. The examiner can normally be reached on Mon-Fri, 9:30 AM to 6:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Miller can be reached on (571) 272-7353. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Christopher M. Lambrecht
Examiner
Art Unit 2623

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